

## MINUTES

North Dakota State Water Commission  
Bottineau, North Dakota

July 10, 1988

The North Dakota State Water Commission held a meeting on July 10, 1988, at the Norway House in Bottineau, North Dakota. Chairman Kent Jones called the meeting to order at 1:00 p.m., and requested State Engineer and Secretary, Vernon Fahy, to call the roll and present the agenda. Cliff Issendorf, Chairman of the Bottineau County Water Resource Board, welcomed the Commission members to Bottineau County.

MEMBERS PRESENT:

Kent Jones, Commissioner, Department of Agriculture, Bismarck  
Richard Backes, Member from Glenburn  
Joyce Byerly, Member from Watford City  
Jacob Gust, Member from West Fargo  
Daniel Narlock, Member from Oslo, MN  
Norman Rudel, Member from Fessenden  
Jerome Spaeth, Member from Bismarck  
Vernon Fahy, State Engineer and Secretary, North Dakota  
State Water Commission, Bismarck

MEMBERS ABSENT:

Governor George A. Sinner  
William Lardy, Member from Dickinson

OTHERS PRESENT:

State Water Commission Staff Members  
Approximately 20 persons interested in agenda items

The attendance register is on file in the State Water Commission offices (filed with official copy of minutes).

The meeting was recorded to assist in compilation of the minutes.

CONSIDERATION OF MINUTES  
OF APRIL 29, 1988 MEETING -  
APPROVED

The minutes of the April 29, 1988 meeting were approved by the following motion:

It was moved by Commissioner Backes, seconded by Commissioner Byerly, and unanimously carried, that the minutes of the April 29, 1988 meeting be approved as circulated.

UPDATE ON SOUTHWEST  
PIPELINE PROJECT  
(SWC Project No. 1736)

Dale Frink, Manager of the Southwest Pipeline Project, commented on several meetings held on July 6, 1988 in Dickinson concerning southwest water delivery from the Southwest Pipeline Project. Issues of discussion included water treatment, rural water delivery, funding, and future ownership and operation of the project. Mr. Frink said one of the major concerns expressed at the meetings is future funding for the rural water districts.

Relative to 1988 construction progress, Mr. Frink said the final inspections were held on June 29, 1988 on Contracts 2-2C and 2-2D with Johnson Construction, Inc. of Fargo as the contractor on these segments of the project involving 16.6 miles. Mr. Frink commented the two contracts looked very good and had previously passed water pressure tests and electrical continuity tests. The final completion notice on these contracts is expected to be issued sometime in August.

Pipe laying on Contract 2-2F by BRB Contractors began on May 17, 1988 and approximately three miles of the 11-mile pipeline segment has been buried. Mr. Frink indicated that a pre-construction conference on Contract 2-3A was held on June 27, 1988 and Johnson Construction intends to begin pipe laying on July 10, 1988.

Mr. Frink stated the Southwest Pipeline Project has received all of the currently allocated \$5.8 million 1988 federal funding. Although funding for FY 1989 is still somewhat unknown at this time, a joint Senate-House Conference Committee has approved \$30 million for Garrison Diversion. Mr. Frink said the MR&I portion would be approximately \$7.2 million with the pipeline receiving approximately one-half, or \$3.6 million. Mr. Frink commented on the 1989-1991 state budget request for the Southwest Pipeline Project, which is currently being prepared, and includes \$1.86 million from the State's Land and Mineral Trust Fund.

Mr. Frink distributed a new brochure recently printed on the Southwest Pipeline Project.

UPDATE ON NORTHWEST  
AREA WATER SUPPLY PROJECT  
(SWC Project No. 237-4)

Randall Binigar, Staff Project Manager for the Northwest Area Water Supply Project, distributed copies of the Executive Summary of the Northwest Area Water Supply Study Needs Assessment. The Executive Summary presents an evaluation of the existing water supplies and distribution systems within the study area and evaluates the need for increased quantity and improved quality of the water supplies. This data collection process of the Needs Survey also served as a median to inform the public of the development and purpose of the study. Mr. Binigar stated that the Executive Summary of the Needs Survey points out that nearly all communities within the study area are in need of some type of improvement to their water supply system.

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Work is continuing on the study in the areas of development of the alternative supply systems which include the finalization of population projects for the cities and the rural areas as well as the water demands for both the cities and the rural areas, and an evaluation of the surface and ground water resources within the study area.

Commissioner Backes commented that in reviewing the Executive Summary it appeared that some of the smaller communities indicated a lack of interest on the needs survey. He also expressed concern relative to salt water pollution endangering the water supplies and the need for identification in this area.

UPDATE ON SOURIS RIVER  
FLOOD CONTROL PROJECT  
(SWC Project No. 1408)

Secretary Fahy updated the Commission members on the status of the Souris River Flood Control Project, and stated that Congress has acted favorably on the funding for the project pending litigation in Canada relative to the public hearings and the validity of the Environmental Impact Statement.

Secretary Fahy updated the Commission members on the status of the Souris River Flood Control Project, and stated that Congress has acted

International negotiations are continuing between the Department of State and the Department of External Affairs relative to the draft agreement. The Corps of Engineers is completing its environmental review of the project and the Environmental Impact Statement is anticipated to be completed in October, 1988. The EIS must be completed prior to the two governments entering into the final agreement.

Construction has begun in Saskatchewan with the coffer dam completed and actual construction of the dam anticipated to begin this fall.

Glen Swanson, Secretary and Attorney for the Oak Creek Water Resource Board, offered comments relative to the possible impacts this project may have on the Lower Souris and indicated it is very important to the local people that this issue be addressed by the Corps of Engineers.

UPDATE ON DEVILS LAKE  
FLOOD CONTROL PROJECT  
(SWC Project No. 1712)

Secretary Fahy provided background information on the Devils Lake Flood Control Project and updated the Commission members on the current status of the project.

Secretary Fahy indicated that as a result of the water quality issues that have been raised, Governor Sinner selected a committee of professional people in the water management field to discuss technically sound water management options for the Devils Lake Basin.

The Committee met on July 1, 1988 and concluded its meeting with the appointment of a subcommittee of

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technical people to look at short and long term study needs and to recommend a procedural framework for continuing this effort.

GARRISON DIVERSION PROJECT -  
UPDATE ON CONGRESSSIONAL  
BUDGET FOR FISCAL YEAR 1989  
(SWC Project No. 237-3)

At the March 17, 1988 Commission meeting, Governor Sinner informed the Commission members the President's Fiscal Year 1989 federal budget included \$26.8 million for the Garrison Diversion Project, of which \$7.3 million was tentatively allocated to the MR&I Program by the Bureau of Reclamation. The Governor expressed concern at this meeting that the MR&I federal allocation was insufficient for projects that are ready to receive 1989 funding, and indicated he and staff were discussing with the Congressional Delegation efforts to increase the 1989 federal budget for the Garrison Diversion Project.

On April 14, 1988, the Governor presented testimony before the House and Senate Appropriations Subcommittee on Energy and Water in Washington, D.C. requesting consideration to increase the Fiscal Year 1989 level of funding to at least \$35 million for the State's component of the Garrison Diversion Project. The Governor's testimony also supported the Indian MR&I component of \$4.5 million over and above the \$35 million needed by the State.

Secretary Fahy stated efforts are continuing to increase the Fiscal Year 1989 level of funding for the Garrison Diverison Project and to date it appears that the federal budget has been increased to \$30 million, although a breakdown of the funding is not available at this time.

GARRISON DIVERSION PROJECT -  
UPDATE ON MUNICIPAL, RURAL  
AND INDUSTRIAL (MR&I) PROGRAM  
(SWC Project No. 237-3)

Randall Binengar, MR&I Water Supply Program Coordinator, stated that since the initiation of the Garrison Diverison MR&I Water Supply Program, 92 applications have been received for funding assistance through this program, of which 55 applications have submitted preliminary engineering reports at a total estimated project cost of \$79 million. This estimated cost does not include the Southwest Pipeline Project.

Mr. Binengar explained that the high amount of interest in the program, coupled with the inadequate yearly appropriations for the MR&I program, have resulted in the program being unable to fund many needed water supply projects. He said there is also a concern that the MR&I program federal fixed limit of \$200 million, which is not indexed for inflation, could be inadequate for future projects that may have a higher priority than projects being considered now. As a result, Mr. Binengar said consideration has been given to increasing the local share required under the MR&I program from 25 to 33 percent of project costs, which would conserve funds allowing for additional MR&I projects to go to construction in the future. Under this proposal, project sponsors would be required to provide from 25 to 33 percent of project costs depending upon the ability to pay of the project sponsor.

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Because the funding level is inadequate to fund the projects which have already been approved beyond the preliminary engineering report phase, the Garrison Diversion Conservancy District, at its Executive Board meeting held July 7 and 8, 1988, approved a moratorium on the funding of additional feasibility studies. In light of the current funding situation, Mr. Binegar indicated that the State Water Commission may wish to consider enacting a similar moratorium.

In discussing the funding situation and the possibility of a moratorium on the funding of additional feasibility studies, the Commission members deferred action at this meeting and suggested it be further discussed at the next meeting.

Commissioner Backes reiterated comments he made at the April 29, 1988 Commission meeting relative that consideration be given to repayment, or easing of costs, to those counties who have paid taxes in the Garrison Diversion Conservancy District.

At the April 29, 1988 Commission meeting, the State Engineer and staff were directed to develop criteria for consideration relative to options and alternatives for funding projects for the MR&I program. Secretary Fahy indicated this information is being developed and will be presented for the Commission's consideration at a future meeting.

GARRISON DIVERSION PROJECT -  
CONSIDERATION OF MR&I PROGRAM  
FUNDING ASSISTANCE FOR CITY OF  
ABERCROMBIE WATER SUPPLY PROJECT  
DESIGN AND CONSTRUCTION PHASES  
(SWC Project No. 237-11)

Randall Binegar presented a request from the City of Abercrombie for the Commission's consideration of MR&I Water Supply Program funding assistance for the installation of a new water supply well to furnish water for human consumption to the

City of Abercrombie. Mr. Binegar said the preliminary engineering report and feasibility study for the project have been completed and meet the requirements of the MR&I Water Supply Program. Design and construction costs for this project are estimated at \$43,000 and likewise meet the program requirements. Construction on the project is anticipated to begin and will be completed during this construction season.

It was the recommendation of the State Engineer that the State Water Commission approve MR&I Water Supply Program funds in the amount of \$32,250 (75 percent of \$43,000) for the design and construction phases of the City of Abercrombie's water supply well project, contingent upon the availability of funds.

Beverly Myron, Mayor of the City of Abercrombie, commented on the project and said construction of a new well is a necessity in order to provide for the needs of the people of the City of Abercrombie.

It was moved by Commissioner Spaeth and seconded by Commissioner Narlock that the State Water Commission approve MR&I Water Supply Program funds in an amount not to exceed \$32,250 for the

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design and construction phases for the City of Abercrombie water supply well project, contingent upon the availability of funds.

Commissioners Backes, Byerly, Gust, Narlock, Rudel, Spaeth, and Chairman Jones voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

CONSIDERATION OF REQUEST  
FROM BOTTINEAU COUNTY WATER  
RESOURCE BOARD FOR COST  
SHARING IN STONE CREEK AND  
WHITE SPUR PROJECT  
(SWC Project Nos. 1061 and 1737)

A request was presented for the Commission's consideration from the Bottineau County Water Resource Board for cost sharing in the Stone Creek and White Spur Project. The purpose of the project is to increase agricultural production in

the White Spur Watershed and improve flow conditions in Stone Creek. The project is located approximately 16 miles southwest of the City of Bottineau. The estimated total project cost is \$685,500.

David Sprynczynatyk, Director of Engineering for the State Water Commission, explained the project and indicated an operational plan has been devised and that the Bottineau County Water Resource District will be responsible for the operation and maintenance of this project. The operation plan will be reviewed annually and any modifications will be submitted to the State Engineer for his review and approval.

The Bottineau County Water Resource Board has received drain permits No. 1294 for Stone Creek and No. 1295 for White Spur with both having been declared of statewide significance in November, 1979. The assessment drain was established under Chapter 61-16.1 of the North Dakota Century Code. Mr. Sprynczynatyk said the project has been in litigation for several years and has recently been resolved.

It was the recommendation of the State Engineer that the State Water Commission favorably consider approving funding of 40 percent of the eligible costs of the project, not to exceed \$206,115, contingent upon the availability of funds.

Cliff Issendorf, Chairman of the Bottineau County Water Resource Board, commented on the project and said he felt this is an excellent project. He offered compliments to the State Engineer and staff for their cooperation in working with the county, and requested the Commission's favorable consideration of the county's funding request.

It was moved by Commissioner Narlock and seconded by Commissioner Byerly that the State Water Commission approve cost sharing in 40 percent of the eligible costs, not to exceed \$206,115, for the Stone Creek Channel Improvement and the White Spur Drain Project in Bottineau County, contingent upon the availability of funds.

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Commissioners Backes, Byerly, Gust, Narlock, Rudel, Spaeth, and Chairman Jones voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

CONSIDERATION OF REQUEST  
FROM HURRICANE LAKE JOINT  
WATER RESOURCE DISTRICT FOR  
COST SHARING IN HURRICANE  
LAKE OUTLET STRUCTURE IN  
PIERCE AND TOWNER COUNTIES  
(SWC Project No. 559)

A request was presented from the Hurricane Lake Joint Board for the Commission's consideration in cost sharing of the Hurricane Lake outlet structure, with a total estimated cost of \$30,200. The purpose of the project is to make modifications to the weir structure of Hur-

ricane Lake, as approved in the original permit, dated August 11, 1976.

David Sprynczynatyk stated the project is located approximately 14 miles southwest of Cando, ND, and the lake itself is located in both Pierce and Towner Counties with the outlet structure being in Towner County. The project consists of widening the weir and installing four stoplog bays.

Mr. Sprynczynatyk said that in 1977, the State Water Commission was involved in the construction of the Hurricane Lake outlet project. In 1982, the Commission provided funding for improvement to the outlet, but due to problems, the project could not be completed and the funding was returned.

It was the recommendation of the State Engineer that the State Water Commission approve 40 percent of the eligible costs for this project, not to exceed \$12,080, contingent upon the availability of funds.

Warren Anderson, Vice Chairman of the Towner County Water Resource Board, commented on the project and urged the Commission to act favorably on the funding request.

It was moved by Commissioner Rudel and seconded by Commissioner Gust that the State Water Commission approve cost sharing in 40 percent of the eligible costs of the Hurricane Lake Outlet Structure Project, not to exceed \$12,080, contingent upon the availability of funds.

Commissioners Backes, Byerly, Gust, Narlock, Rudel, Spaeth, and Chairman Jones voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

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CONSIDERATION OF REQUEST  
FROM WELLS COUNTY WATER  
ASSOCIATION FOR ASSISTANCE  
AND COST SHARING IN MANFRED  
AQUIFER INVESTIGATION  
(SWC Project No. 727)

Milton Lindvig, Director of the State Water Commission's Hydrology Division, presented a request from the Wells County Water Association for the Commission's consideration for assistance and cost sharing in a hydrologic investigation of the Manfred Aquifer in Wells County.

Mr. Lindvig indicated the Wells County Water Association has installed five production wells in the Manfred Aquifer to supply the water needs of its customers. The production wells have been used continuously since January, 1987 when the first phase of the rural water project was completed. Since that time both the pumping water levels and the static (measured when wells are not pumping) water levels have been declining. The rate of decline has increased in the past few months and has caused the water levels to drop to near the critical level of just above the pump intake. The pumping rates were reduced in the wells and some reduction in the rate of decline has occurred. To insure that the rural water system is able to meet the demand of its customers, the possible addition of new wells is being considered. The Wells County Rural Water Association, working through the Wells County Water Resource District, has asked the State Water Commission for assistance in locating a suitable location for a new well or wells to be installed in the Manfred Aquifer.

In order to make knowledgeable decisions and recommendations to the Wells County Water Users Association on the location of a new well or wells a comprehensive understanding of the hydrogeology in and around the current well field is necessary. Mr. Lindvig explained that the study of the hydrogeologic and hydrochemical characteristics of the ground-water flow system will be accomplished by test drilling, installation of piezometers, and the collection of water samples and water level data in an approximate five-mile reach of the Manfred Aquifer.

An initial three month project duration is proposed, and installation of the instrumentation and the data collection will be done in the summer of 1988. A compilation of the field work and data collected and the interpretations of the hydrogeologic and hydrochemical characteristics will be completed by the fall of 1988.

The estimated total cost of the investigation is \$29,900. The Wells County Water Resource District has agreed to cost share in 50 percent of the total costs, in an amount of \$14,950. The request being considered by the State Water Commission is for cost sharing in the remaining 50 percent, or \$14,950.

It was the recommendation of the State Engineer that the State Water Commission cost share in 50 percent of the total costs, in an amount not to exceed \$14,950, contingent upon the availability of funds, for the Manfred Aquifer investigation.

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Commissioner Rudel commented on the project indicating the situation is critical and that the investigation is very important.

It was moved by Commissioner Backes and seconded by Commissioner Spaeth that the State Water Commission approve assistance and cost sharing in 50 percent of the total project costs, in an amount not to exceed \$14,950, for the Manfred Aquifer investigation in Wells County. This motion shall be contingent upon the availability of funds.

Commissioners Backes, Byerly, Gust, Narlock, Rudel, Spaeth, and Chairman Jones voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

CONSIDERATION, AND APPROVAL,  
OF RESOLUTION OF APPRECIATION  
FOR WILLIAM L. GUY  
(SWC Resolution No. 88-7-428)

Secretary Fahy presented a draft resolution of appreciation for William L. Guy for the Commission's consideration.

It was moved by Commissioner Byerly, seconded by Commissioner Gust, and unanimously carried, that the State Water Commission approve Resolution No. 88-7-428, In Appreciation to William L. Guy.  
(SEE APPENDIX "A")

UPDATE ON SHEYENNE RIVER  
FLOOD CONTROL PROJECT  
(SWC Project No. 1344)

Daniel Twichell, Southeast Cass Water Resource District, updated the Commission members on the status of the Sheyenne River Flood

Control Project. Although Congress did not appropriate funding for new projects in 1989, Mr. Twichell said assurance has been received from the Congressional Delegation that funding would be made available next year. Therefore, Mr. Twichell urged the State Water Commission to retain within its escrow costs the money that has been set aside for this project.

Mr. Twichell re-emphasized the tremendous support that has been shown for this project with very little opposition, and noted that the deferred funding will cause approximately a six-month delay in the project.

CONSIDERATION OF AGENCY  
FINANCIAL STATEMENT

Secretary Fahy distributed copies of the Program Budget Expenditures and the Projects Authorized, dated

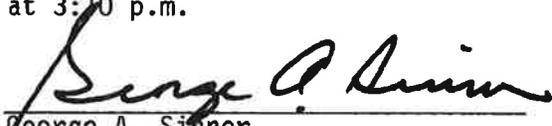
May 31, 1988, for the Commission members' review.

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COMMENTS RELATIVE TO LAKE  
METIGOSHE PROJECT IN  
BOTTINEAU COUNTY  
(SWC Project No. 330)

Glen Swanson, Secretary and Attorney for the Oak Creek Water Resource Board, made reference to the excellent cooperation the State Water Commission and Bottineau County have had in the past relative to Lake Metigoshe. Mr. Swanson stressed the importance of maintaining the lake and urged this Commission to reaffirm its position for continued support in the future.

There being no further business to come before the State Water Commission at this time, it was moved by Commissioner Backes, seconded by Commissioner Spaeth, and unanimously carried, that the meeting adjourn at 3:10 p.m.

  
George A. Sinner  
Governor-Chairman

ATTEST:

  
Vernon Fahy  
State Engineer and Secretary

July 10, 1988

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE July 10, 1988 PLACE Bottineau, N.Dak.

PROJECT NO. \_\_\_\_\_

Your Name	Your Address	Who do you Represent? (Or Occupation)
Cary Backstrand	Bismarck	SWC
Dale French	"	"
Bruce F McCollam	"	BW/BEC Engineers
Lechie Brodsham	Fargo	self
Robert H. Bradley	Fargo N.D.	S/E Cass Water
Elizabeth Ann Myron	Abercrombie, N.D.	City of Abercrombie
Jeffrey Mattem	BISMARCK ND	SWC
Jeff Volk	W Fargo	SE Cass WBB
DAN TWICHELL	W Fyo	SE Cass WRD
Cliff Lassendof	KRAMER,	Bottineau County <sup>Resource</sup> H20
Donald Linder	Bottineau	World Engineering
Warren Anderson	Leeds	township Co. W.B.D.
Steve Hoetzer	Bismarck	Huerfano Joint WRD Bottineau C. WRD
Milton Lindvig	Bismarck	SWC
Dwayne Nelson	Gardena	Bottineau County WRD



88-7-428

**RESOLUTION**  
**William L. Guy**

**WHEREAS, William L. Guy has given unselfishly of his time, talents, and energy to foster and promote wise water resource management throughout North Dakota and the Missouri River Basin; and**

**WHEREAS, as a member of the North Dakota State Water Commission, he brought to the Commission knowledge and experience gained from many years as a water resource enthusiast, including twelve years served as Governor of North Dakota; and**

**WHEREAS, he has retired from services as a member of the North Dakota State Water Commission after having served with distinction from 1984 to 1988; and**

**WHEREAS, he has been and continues to be a staunch supporter of the Garrison Diversion Project as it was originally envisioned; and**

**WHEREAS, he continues his efforts to gain support for the Garrison project, and all water resource matters, primarily through his service as Chairman of the Interbasin Biota Transfer Study Committee.**

**NOW THEREFORE BE IT RESOLVED** that Governor Sinner, other members of the State Water Commission and its staff hereby express their heartfelt thanks and appreciation to William L. Guy for his outstanding contribution to water development in this State; and

**BE IT FURTHER RESOLVED** that this resolution be delivered to William L. Guy and a copy be retained in the files of the State Water Commission in partial recognition of the time and energy he has devoted to water resource management on behalf of the people of this State.

Dated this 10th day of July, 1988.

  
\_\_\_\_\_  
George A. Sinner  
Governor of North Dakota

ATTEST:

  
\_\_\_\_\_  
Vernon Fahy  
State Engineer and Secretary

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE July 28, 1988 PLACE Bismarck, ND

PROJECT NO. \_\_\_\_\_

Your Name	Your Address	Who do you Represent? (Or Occupation)
James R. McLaughlin	79-28 ave NE Fargo, ND 58102	SE Cass Water Bd
D. Woodell	West Fargo	"
Gerald Oberg	Wilton	McLean Sheridan W.R.B.
WILLIAM LINDELL	WASHBURN	McLEAN-SHERIDAN W.R.B.
IVON BOE	TURTLE LAKE	McLEAN-SHERIDAN W.R.B.
Walter M. Lipp	McClusky	McLean-Sheridan W.R.B.
KEN LOVE (AND)	<del>BOES</del> JANASTOWN W.D.	McLean-Sheridan W.R.B.
Steve Hoetzer	BISMARCK, ND	NWAS - GOU
Hetcher Poling	" "	Basin Electric Power Cooperative
Vic Hall	" "	USFWS
ROBERT IMRIE	" "	ASSOCIATED PRESS
Bruce McCollom	" "	BW/BEC Engineering
DAVID A. Spryng	Bismarck	SWC